

United States District Court
DISTRICT OF _____ **SEALED**

UNITED STATES OF AMERICA

v.

LUIS ALCANTARA a/k/a LUIS CABRERA

(Name and Address of Defendant)

CRIMINAL COMPLAINT

CASE NUMBER: 04M-1058-JGD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February and March 2003 in Norfolk county, in the

District of Massachusetts defendant(s) did, (Track Statutory Language of Offense)

COUNT I: knowingly execute, or attempt to execute, a scheme or artifice to defraud a financial institution or to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises.

COUNT II: having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, to transmit or cause to be transmitted by means of wire any writings for the purpose executing such scheme or artifice.

in violation of Title 18 United States Code, Section(s) 1344 and 1343 .

I further state that I am a(n) Postal Inspector and that this complaint is based on the following facts:

See Attached Affidavit of John Murphy.

Continued on the attached sheet and made a part hereof:

Yes No



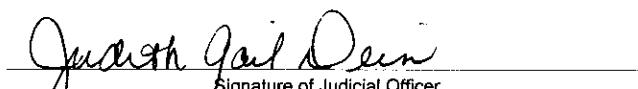
Signature of Complainant

Sworn to before me and subscribed in my presence,

03-25-2004
Date

at _____
Boston, Massachusetts
City and State

JUDITH G. DEIN
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer



Signature of Judicial Officer

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AFFIDAVIT

I, John F. Murphy, being duly sworn, depose and state:

1. I am a Postal Inspector with the United States Postal Inspection Service and have been so employed for approximately twelve years. My responsibilities include the investigation of federal offenses including but not limited to violations involving Bank Fraud and Wire Fraud.

2. I am aware that Title 18, United States Code, Section 1344 makes it a crime for a person to knowingly execute, or attempt to execute, a scheme or artifice to defraud a financial institution or to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises. I am also aware that Title 18, United States Code, Section 1343 makes it a crime for a person, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, to transmit or cause to be transmitted by means of wire any writings for the purpose executing such scheme or artifice.

3. I submit this affidavit in support of a criminal complaint charging LUIS ALCANTARA ("ALCANTARA") with Bank Fraud and Wire Fraud in violation of Title 18, United States Code, Sections 1343 and 1344.

4. This affidavit is based on upon my own investigation as well as information provided to me by witnesses and by other law enforcement officers involved in this investigation. In submitting this affidavit I have not included each and every fact known

to me about the investigation, but only those facts that I believe are sufficient to establish the requisite probable cause.

5. On February 12, 2003, ALCANTARA, claiming to be "Nelson Roman," leased a 2003 BMW X5 from BMW Gallery in Norwood, Massachusetts. ALCANTARA presented a fake New York State driver's license containing his own photograph and the actual personal identification information of Nelson Roman. BMW Gallery obtained \$48,245.00 of credit from Gallery Automotive Group to finance this lease on ALCANTARA's behalf.

6. The Massachusetts State Police recovered the fake New York State driver's license described above from ALCANTARA on May 23, 2004. The license contains ALCANTARA's photograph, but purports to be the license of Nelson Roman and contains Nelson Roman's personal identification information.

7. ALCANTARA leased or purchased several other vehicles using the fake Nelson Roman license described above and using Nelson Roman's social security number and other personal identifying information. Among these vehicles was a 2003 BMW X5 from BMW Gallery in Norwood, Massachusetts leased on February 20, 2003, which was financed through Gallery Automotive Group for \$58,913.12. ALCANTARA was subsequently arrested by the Seekonk Police Department for possession of this vehicle, and later pleaded guilty to possession of this vehicle.

8. ALCANTARA also used this same method to purchase a 2000 Jaguar S Type from BMW Gallery in Norwood, Massachusetts, which was financed using Nelson Roman's credit through Charter One Auto Finance for \$30,011. This vehicle was subsequently recovered at 36 Melbourne Street, Dorchester, Massachusetts at the

residence of Gladys Lopez. According to State Trooper Michael Wheaton, Ms. Lopez was observed removing a child seat from the vehicle when he arrived at the residence. According to ALCANTARA, Ms. Lopez is the mother of ALCANTARA's infant daughter.

9. In order for a customer to finance the purchase or lease of an automobile at BMW Gallery through Charter One Auto Finance, an employee of BMW Gallery in Norwood must either send by computer transmission or by facsimile the identifying information of the person seeking credit to Charter One Auto Finance's office in Rochester, New York.

10. ALCANTARA also co-signed the loans of several individuals who then used Nelson Roman's credit to obtain additional cars including a 2003 Mitsubishi Montero financed for \$48,526, which was purchased at Boch Mitsubishi in Norwood, Massachusetts on March 7, 2003, and a 2003 Mitsubishi Eclipse financed for \$34,971.90, which was purchased at Boch Mitsubishi in Norwood, Massachusetts on March 27, 2004.

11. In addition to these vehicles that ALCANTARA financed using Nelson Roman's personal identification information, ALCANTARA also obtained credit cards in Nelson Roman's name. For example, in February 2003, a credit card was opened in the name of Nelson Roman at Filenes Department Store. The address used to open this account was 175 Centre Street, Quincy, Massachusetts 02169. This address is the same address at which Massachusetts State Police Trooper Michael Wheaton recovered the fake New York License in the name of Nelson Roman from ALCANTARA.

12. In January 2004, New York State Supreme Court Justice, the Honorable Nelson Roman, spoke with agents of the Postal Inspection Service, and stated that his

identity had been stolen and used to access his personal credit, and that he had not given ALCANTARA permission to use his personal identification information to obtain credit. The investigation to date has revealed that ALCANTARA used Nelson Roman's identity to secure over \$200,000 of loans and other financial credit.

13. Subsequent to ALCANTARA's arrest on state charges related to this matter, I interviewed ALCANTARA. ALCANTARA admitted that he purchased the above described vehicles in the manner set forth above, and admitted that he was responsible for the charges that occurred on the Filenes credit card described above. ALCANTARA admitted that he did not have Nelson Roman's permission to use Roman's personal identification information to obtain credit.

14. ALCANTARA also admitted that he used several other people's identities (in addition to Nelson Roman's) to purchase additional automobiles and to obtain additional credit cards and other goods and services. ALCANTARA stated that several other individuals were also involved in these crimes, including individuals who obtained the personal identification information, individuals who produced the false New York State driver's licenses, and individuals who received the stolen vehicles.

15. My investigation to date has revealed well over one million dollars (\$1,000,000) worth of automobiles purchased, leased or co-signed or whose financing was otherwise facilitated by ALCANTARA using the identifying information of well over ten individuals to obtain the necessary credit during the time period from February 2002 through December 2003.

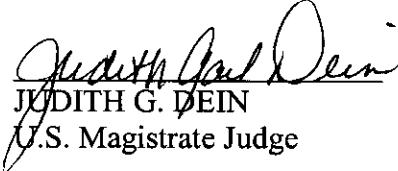
16. Based upon the foregoing, I believe that there is probable cause to believe that from February 2003 through March 2003, LUIS ALCANTARA having devised or

intended to devise a scheme or artifice to defraud, and to obtain money or property by means of false or fraudulent pretenses, representations, or promises, transmitted or caused to be transmitted by means of wire writings for the purpose executing such scheme or artifice in violation of Title 18, United States Code, Section 1343. I also believe there is probable cause that from February 2003 through March 2003, LUIS ALCANTARA knowingly executed, or attempted to execute, a scheme to defraud financial institutions by means of false or fraudulent pretenses, representations, or promises, in violation of Title 18, United States Code, Section 1344.



JOHN F. MURPHY
Postal Inspector

Subscribed and sworn to before me on this 25 day of March 2004.



JUDITH G. DEIN
U.S. Magistrate Judge